IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

THURSDAY, THE 13TH SEPTEMBER 2007 / 22ND BHADRA 1929

WP(C).No. 24652 of 2007(I)

PETITIONER:

M.S. ANIL, AGED 42 YEARS,
S/O.N. SIVADASAN, ASSISTANT ENGINEER,
PAMPADY BLOCK (UNDER SUSPENSION), KOTTAYAM,
RESIDING AT DIVYANJANAM, EARAM, CHATHANNUR,QUILON.

BY ADV. SRI.MILLU DANDAPANI

RESPONDENTS:
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1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY, PUBLIC WORKS DEPTT.,
TRIVANDRUM.

2. THE CHIEF ENGINEER (NATIONAL HIGHWAYS
AND PUBLIC WORKS DEPARTMENT, ADMINISTRATION),
TRIVANDRUM.

3. THE COMMISSIONER FOR RURAL DEVELOPMENT,
TRIVANDRUM.

4. THE DISTRICT COLLECTOR,
COLLECTORATE, KOTTAYAM-686 001.

BY ADV. SRI. BIJOY CHANDRAN, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V. GIRI , J

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W.P.(C) NO. 24652 OF 2007

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Dated this the 13th day of September, 2007.

JUDGMENT

The petitioner is aggrieved by Ext.P3 order of suspension passed by the 3rd respondent. He inter alia contends that the 3rd respondent is incompetent to pass Ext.P3, suspending him from service. Ext. P3 order of suspension is dated 16.07.2007. The petitioner filed Ext.P4 before the 3rd respondent himself and significantly he has taken a contention in Ext.P4 that the 3rd respondent is incompetent to suspend the petitioner in terms of Rule 10(6) of Kerala Civil Services (Classification Control & Appeals) Rules.

2. I am not inclined to interfere with Ext.P3 order at this stage. But it is also necessary that the 3rd respondent considers Ext.P4 which has been filed before him for revoking the order of suspension. The 3rd respondent shall also address the question as to whether he is competent to pass orders of suspension as against the petitioner. He shall also look into the other aspects which are highlighted in Ext.P4. Necessary orders in this regard shall be passed by the 3rd respondent within a period of one month from the date of receipt of a copy of this judgment.

The writ petition is disposed of accordingly.

V. GIRI, JUDGE.

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